

IC 34-11-8

Chapter 8. Limitations on New Action After Failure of Original Suit

IC 34-11-8-0.2

Application of certain amendments to prior law

Sec. 0.2. The amendments made to IC 34-1-2-8 (before its repeal, now codified at section 1 of this chapter) apply to causes of action that fail after June 30, 1993.

As added by P.L.220-2011, SEC.547.

IC 34-11-8-1

New actions; continuation of action

Sec. 1. (a) This section applies if a plaintiff commences an action and:

- (1) the plaintiff fails in the action from any cause except negligence in the prosecution of the action;
- (2) the action abates or is defeated by the death of a party; or
- (3) a judgment is arrested or reversed on appeal.

(b) If subsection (a) applies, a new action may be brought not later than the later of:

- (1) three (3) years after the date of the determination under subsection (a); or
- (2) the last date an action could have been commenced under the statute of limitations governing the original action;

and be considered a continuation of the original action commenced by the plaintiff.

As added by P.L.1-1998, SEC.6. Amended by P.L.2-2005, SEC.113.